



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER FOR PATENTS
P.O. Box 1450
Alexandria, Virginia 22313-1450
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/813,082	03/31/2004	William E. Lynch III	WEL-101	5648

25628 7590 03/07/2008
LAW OFFICES OF WILLIAM H. HOLT
12311 HARBOR DRIVE
WOODBIDGE, VA 22192

EXAMINER

HADIZONOOZ, BANAFSHEH

ART UNIT	PAPER NUMBER
----------	--------------

3714

MAIL DATE	DELIVERY MODE
-----------	---------------

03/07/2008

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/813,082	Applicant(s) LYNCH, WILLIAM E.	
	Examiner Banafsheh Hadizonooz	Art Unit 3714	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 13 November 2007.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-7 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-7 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

Detailed Action

In response to the correspondence filed on 11/13/2007 claims 1- 7 are pending. This office action is made **Non-Final**.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1-7 are rejected under 35 U.S.C. 103 (a) as being unpatentable over Lousing-Nont (US 4,358,279) in view of James Wiley (US 1,883,199).

[Claim 1]: Regarding claim 1 Lousing-Nont discloses a template (e.g. score sheet) for evaluating and scoring designated pairs of responses, said template comprising a series of paired locations thereon, a first set of said locations being linked by indicia on said template, a pathway leading from said first set of locations to at least a second set of locations, said pathway being shown by said indicia for leading a user from said first set to said second set of locations (See Col.4, 19-24), each of said locations allowing for viewing through said template. Lousing-Nont does not specifically disclose connecting the pairs of responses together and making a pattern. Wiley discloses a scoring sheet for multiple question tests, wherein the correct are connected together with lines and a pattern is formed (See Fig.3, and P.2, 113-P.3, 1). Therefore, it would have been obvious to one of ordinary skill in the art to combine the features of Wiley's invention into the system and method of Lousing-Nont in order to design a

system for easy scoring of multiple-choice or true-false questions.

[Claim 2]: regarding claim 2, Wiley discloses a template as defined in claim 1 wherein said indicia comprises a series of lines connecting the sets together (See Fig.3).

[Claim 3]: Regarding claim 3, Lousing-Nont fails to specifically disclose a series of broken lines that connect the distinguished pairs together. However, the applicant has not disclosed that including the dashed lines to connect the pairs provides any advantage or solves any specific problem. Moreover, the invention is expected to work equally well without the dashed lines. Therefore, it would have been obvious to modify Lousing-Nont's invention as specified in claim 3, because such invention is considered a mere design choice which fails to patentably distinguish over the prior art.

[Claim 4]: Lousing-Nont discloses a template wherein each pair of locations is identified by a common geometric shape (e.g. circles and squares) (See Fig. 5, and abstract).

[Claim 5]: Lousing-Nont further discloses a template wherein each pair of locations is identified by an identical geometric shape, and the next consecutive pair in said series is identified by a different geometrical shape (See Col.3, 24-33).

[Claim 6]: with respect to claim 6, Lousing-Nont discloses a method for evaluating designated pairs of responses to a series of questions, said method including the steps of positioning a template upon an answer sheet, and following a pathway for identifying pairs of answers to a plurality of paired questions, and evaluating said pairs of answers to said paired questions (See Col.4, 19-30, 38-41).

[Claim 7]: Regarding claim 7, Lousing-Nont/Wiley discloses a method as defined in claim 6 wherein said pathway is comprised of a continuous line (See Fig.4).

Response to Arguments

Applicant's arguments with respect to claims 1-7 have been considered but are moot in view of the new ground(s) of rejection.

The examiner further notes that scoring the multiple-choice and/or true-false questions using a score sheet has been known in the industry. To make patterns out of the correct choices marked on the score sheet does not patentably distinguish the application.

Conclusion

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Banafsheh Hadizonooz whose telephone number is 571-272-1242. The examiner can normally be reached on 8:00-5:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Robert Pezzuto can be reached on (571) 272- 6788. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3714

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

BH

2/28/2008

/Robert E Pezzuto/
Supervisory Patent Examiner, Art Unit 3714